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C O N F I D E N T I A L SECTION 01 OF 02 MONROVIA 000602

SIPDIS

DEPARTMENT FOR AF/W

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SUBJECT: TRANSITION FROM TRC TO HUMAN RIGHTS COMMISSION
BEGINS

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Classified By: CDA Brooks Robinson for reasons 1.4 (b) and (d).

11. (C) SUMMARY. President Ellen Johnson Sirleaf has kicked off the establishment of Liberia's Independent National Human Rights Commission (INHRC) by handing the Senate a list of commissioner nominees for approval. This newest human rights commission iteration is the latest attempt by successive Liberian governments to set up such a body in the post-civil war era. The INHRC is the successor to the Truth and Reconciliation Commission (TRC), whose mandate will now end. However, the Liberian public remains preoccupied with the TRC's final report and is looking to the international community for guidance on how to respond to the report's list of offenders. Secretary Clinton's remarks during her August 13 visit about the TRC process and her expressions of support for President Sirleaf have sparked public speculation regarding USG preferences for Liberia's response to the TRC report. END SUMMARY

HUMAN RIGHTS COMMISSION ESTABLISHMENT SET IN MOTION

12. (U) Nearly two months after the release of the TRC final report, President Ellen Sirleaf Johnson passed the Senate a list of nominees for the seven INHRC commissioner spots on August 18. Most nominees are human rights or civil society activists, but nominee Joseph Cornomina is a politician who served in the Legislature during the presidency of Charles Taylor.

13. (SBU) The 2003 Accra Peace Agreement that ended Liberia's civil war called for the establishment of an independent human rights body. A commission was established in 2004 under the authority of a human rights law passed by the government of former President Charles Taylor. The Taylor-era statute was replaced in 2005 under the National Transitional Legislative Assembly, which granted the commission financial autonomy and quasi-judicial authority, such as subpoena and investigative powers. Seven commissioners were appointed to the initial panel.

14. (SBU) President Sirleaf called for the human rights commission (HRC) act to be further amended following her election in 2005, citing problems with the scope of the commission's aforementioned powers. The existing commissioners agreed to step down and an amended HRC law was passed by the legislature and signed by Sirleaf in 2008. Civil society groups nominated seven new commissioners members, which were submitted to the president following an extensive vetting process. The INHRC will be fully operational as soon as the commissioners nominated by Sirleaf are approved by the Senate.

15. (C) President Sirleaf earlier indicated some discomfort with the names put forward by civil society organizations for INHRC membership due to the nominees' lower public profiles and the fact that only one is a woman. In the end, she sent an unchanged list of names to the Senate. International organizations, including those in the International Contact Group on Liberia (ICGL), have called the constitution of the INHRC the next step in Liberia's reconciliation process. However, forward movement on the INHRC will no doubt be interpreted by some as an attempt by Sirleaf to get past the fact that she is implicated in the TRC report. Meantime, local human rights organizations remain concerned that the INHRC's lack of financial autonomy will limit its abilities.

LIBERIANS REMAIN FIXATED ON THE TRC PROCESS

16. (SBU) Establishment of the INHRC is the expected next step following the TRC process. However, the Liberian public remains divided over what should happen to those listed for wrongdoing in the TRC report. While a significant number of Liberians are focused on reconciliation, another vocal group is demanding justice be meted out in the form of a war crimes tribunal.

17. (C) Liberians continue to look to the international community (especially the USG) for guidance. Secretary Clinton's reiteration during her August 13 visit of the ICGL (of which the U.S. is a member) position, i.e., that the response to the TRC report must be a Liberian process decided by the Liberian people, has sparked a lively debate among Liberian commentators. Many interpreted the Secretary's statement as a "neutral" stance that proves that the USG would be willing to see the TRC's recommendations shelved.

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Others have gone further and misinterpreted the Secretary's expressions of support for President Sirleaf as a signal that the president should be exonerated.

COOLING OFF PERIOD BEGINS

18. (C) The current session of the National Legislature ends on August 31. Legislators have indicated that they will use the fall break as a cooling off period to engage in open dialogue with constituents on a potential legislative reaction to the TRC report. This sentiment was shared privately by both House Speaker J. Alex Tyler and Senate President Pro-Tempore Cletus Wotorson in separate August 12 meetings with the Ambassador. (NOTE. Wotorson later released a statement in which he called for a course of reconciliation through "restorative" rather than "retributive" justice. END NOTE.)

19. (C) COMMENT: President Sirleaf's decision to send forward a list of nominees that she was not truly comfortable with indicates her desire to not be seen as stacking the commission in order to have her own case removed. The coordinator of the INHRC secretariat has worked closely with the TRC and the INHRC will inherit the TRC's property and functions, including follow-up on TRC report recommendations. The legislative break will allow the country a much-needed period of reflection after the turbulent weeks that followed the TRC report's release. Our message should support and encourage the INHRC as it starts up and urge that any future response to the TRC does not detract from the existing atmosphere of reconstruction and stability.

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